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199900095

Lone Star Northwest

COE

USEPA SF



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K-2.4.99

FEB 4 1999

Regulatory Branch

Mr. Eric Laschever
Preston Gates and Ellis
701 Fifth Avenue, #5000
Seattle, Washington 98104

Reference: 99-2-00095
Lone Star Northwest

Dear Mr. Laschever:

Nationwide Permit (NWP) 3 authorizes the dolphin, piling, and ramp repairs at Lone Star Northwest's Duwamish River barge unloading facility at Seattle, Washington. The repairs were necessary after a barge sank on December 22, 1998, damaging some of the support structure. The circumstances of the incident were described in your letter dated January 22, 1999. We have assigned file number 99-2-00095 to the case. The work must have met a series of special conditions for this form of authorization to be valid, and it apparently did so.

The regulations governing our permit program contain a series of NWPs. Each NWP authorizes a specific category of work, provided certain conditions are met. NWP 3 (Federal Register, December 13, 1996, Vol. 61, No. 241) authorizes various kinds of "repair, rehabilitation, or replacement" for previously authorized, currently serviceable structures. Enclosed is the entire text of NWP 3 (enclosure 1). The regional conditions and certification requirements at the end of enclosure 1 must also be met by this project. You must also have complied with the nationwide conditions contained in enclosure 2.

This letter verifies that NWP 3 authorized the repair work, and Lone Star Northwest needs no further authorization from us for the work. It must still comply with other applicable State and local requirements. If you have any questions, please contact me at telephone (206) 764-6907.

Sincerely,

IS / Kennedy

Jack Kennedy
Regulatory Project Manager

Enclosures

cc w/location screen: State Nationwide Permit Coordinator

K-2.4.99
Reg Br File



PRESTON GATES & EL
ATTORNEYS

Pub. Post-construct.

NOTIFICATION 120

NWP 3 in

Duwamish.

*Return
to
Kennedy*

chever
at Law

January 22, 1999

199900095

RECEIVED
23 JAN 1999

COAST
REGULATORY BRANCH

Mr. Jack Gossett

Corp of Engineers
4735 E. Marginal Way South
Seattle, WA 98134

Re: Nationwide Permit Notification for Lone Star Barge Repair

Dear Jack:

The purpose of this letter is to inform the Army Corps of Engineers of work that was done on behalf of Lone Star Northwest pursuant to Nationwide Permit 3. As discussed below, Nationwide Permit 3 was used to authorize emergency repair and replacement of a damaged barge pilings structure and dolphin pilings that occurred over the winter holidays. Spilled materials were also recovered as part of the process. As you know, NWP 3 does not typically require notice. Lone Star, however, is interested in providing this information because its Environmental Manager was away during the holidays and the contractor had indicated that it would obtain all needed permits. This letter seeks to confirm the coverage for the repair activities.

A. Background.

On December 22, 1998, a barge loaded with sand and gravel, which was moored at Lone Star's Duwamish unloading facility partially sank and became dislodged from its loading ramp. In summary, the accident caused the ramp to fall, damaging the ramp and the support structure. I have enclosed some pictures that document the damage and repairs. The first two pictures show the broken pilings of the support structure. The third picture shows the fallen ramp. Divers inspected the piling and structure and found that the timber ring bracing on one of the east piling structures was broken below the water line. The divers reported no damaged piling below the mudline. As a result, Lone Star needed to repair the ramp and piling support structure.

The repairs to the support structure consisted of replacing the cross-timbers, placing a new pile in the offshore piling structure to replace the pile with the broken top, placing a new pile on the inshore structure on the southeast side to replace the pile which was damaged below the waterline. Repairs and refurbishment of the ramp were made offsite.

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On December 24, the barge was floated and taken away. This was done by unloading the remaining gravel using a crane and clamshell and then pumping water from the flooded barge holes. When the barge was uprighted, it turned against and crushed the eight piling dolphin adjacent to the eastside of the facility. The fourth picture shows the barge leaning against the piling dolphin. The fifth picture shows the broken dolphin being hoisted from the water. Therefore, Lone Star also needed to replace the eight dolphin piling. Seven new piles were driven to replace the mooring dolphin.

Approximately 1,200 tons of a mixture of sand and gravel that had spilled from the barge was also recovered from the moorage area before it could spread from the area and so that it would not block navigational access.

The contractor obtained verbal approval from the Department of Fish and Wildlife before the above work was performed.


B Eligibility for Nationwide Permit 3.

The described repairs meet the definition of Nationwide Permit 3. The repairs were of a currently serviceable structure. The repaired structure is being used for the same purpose as the original structure. As you can see from the attached pictures, the repaired structure is similar in size and material as the original.. The repair and replacement responds to a discrete event as required by NWP 3 and was begun well within the two years of the date of damage. Recovery of the spilled product also was consistent with the purpose of NWP 3.

Please call if you have any questions regarding this matter.

Very truly yours,

PRESTON GATES & ELLIS LLP

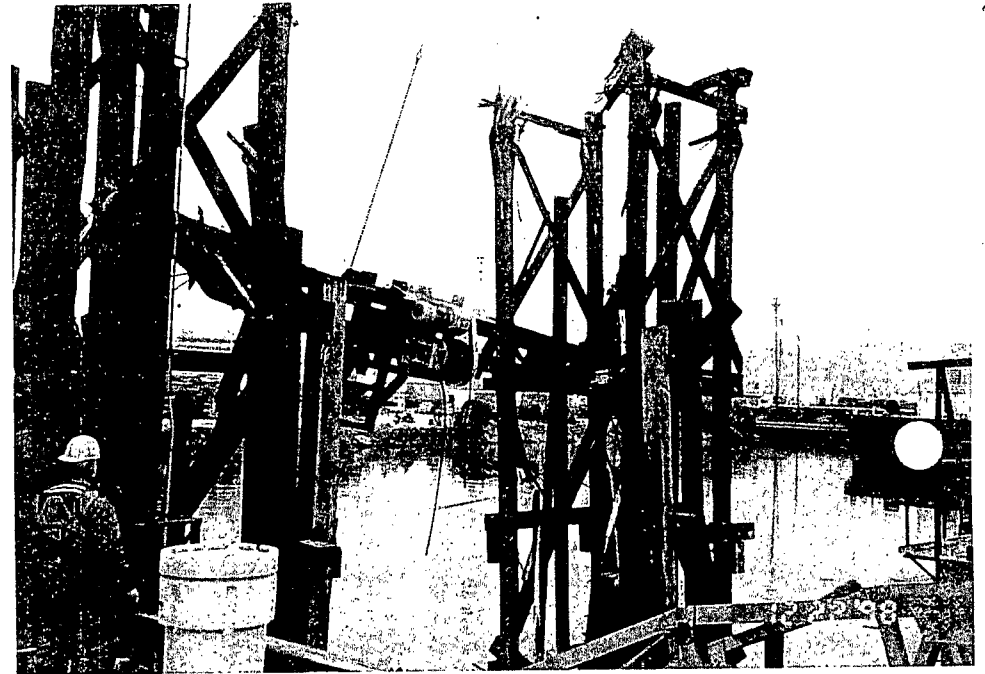
By 
Eric Laschever

EL:jr

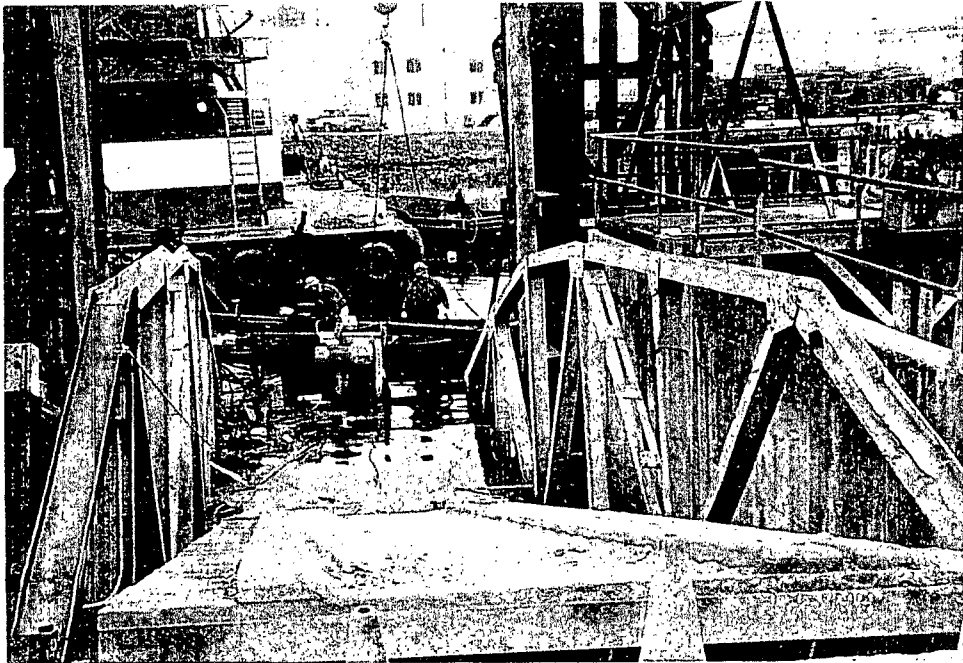
cc: Shawn Lilley, Lone Star Northwest



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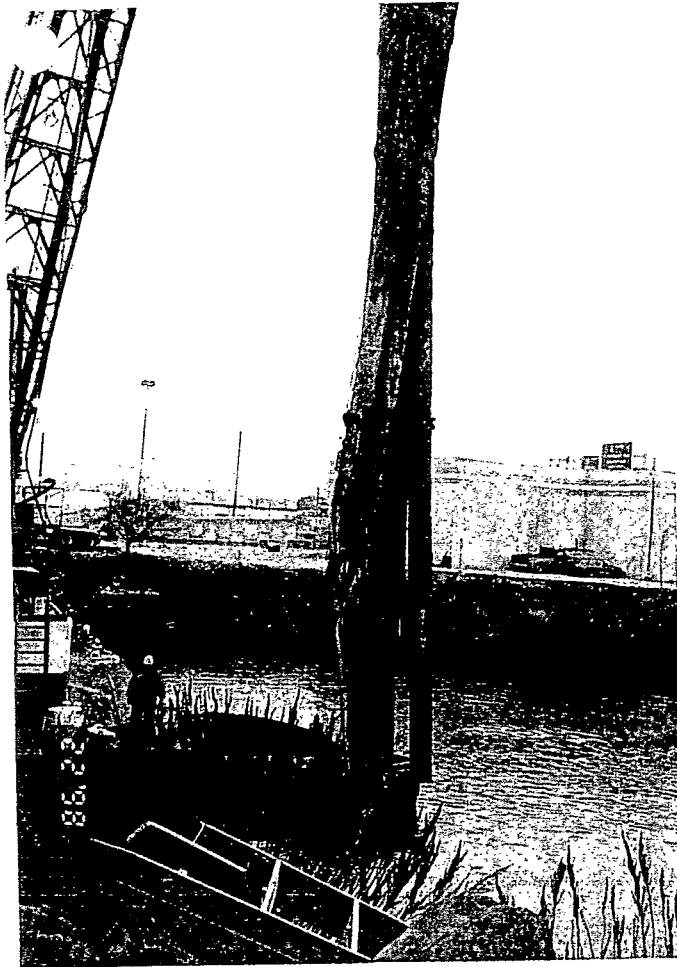
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